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THE NGONI POLITICAL SYSTEM

were, however, and they realized it at such assemblies, the people of the Paramount, and he was to them the visible symbol of their unity in one kingdom.

THE COURT SYSTEM OF THE NGONI

692 The enforcement of the laws as announced and discussed at these assemblies was the business of the courts, where the laws themselves were interpreted and often elaborated on occasions of an open breach.

The relationships of the courts in the kingdom followed the hierarchical pattern of the political organization. All minor cases were heard and, whenever possible, settled at the village level. If the plaintiff failed to get satisfaction, or if the village headman was unable to get his judgement accepted, he had to go with the litigants to the chief's court, and if he failed there, the case could be taken to the appeal court of the Paramount. There were certain cases, such as murder and witchcraft, which in pre-European days could only be dealt with in the Paramount's court.

Some confusion arose over the use of one term 'umuri' for every type of institution which exercised judicial functions. The Nyanja term used in central Ngoniland for the courts at the lowest level was *beah*, literally the open space in front of the *indukulu* in any Ngoni village. Nothing could be apparently more informal than the discussion among a group of senior men called together by the headman, on a verandah or under a big tree, in order to settle quarrels and hear complaints. No formal records were kept, there was no clerk, and there was no summing up or pronouncement of judgement. There was, if the meeting was successful, general agreement about the action necessary and about who ought to initiate action. Above the level of this village headman's court were the courts of the *ahuwane* held at their head villages, and above them again the chiefs' courts. After 1933 the courts of the *ahuwane* gave place to the courts at the head villages of the chiefs. The proceedings there were more formal and included presenting evidence, defending the case and pronouncing judgement on cases rather than, as in the villages, talking things over and appealing to certain principles to re-establish equilibrium and resolve disputes.

[622] The Ngoni nevertheless always recognized these courts at the village level as an integral part of their system. It was the mark of a good headman that he should be able to settle the minor cases in his village without constant reference to higher authority. The majority of villages under [563] Ngoni rule were villages of local tribes who had surrendered to, or been conquered by, the Ngoni. The headmen were therefore of the local tribe, as a rule surrounded by their kinsmen, and their position carried with it the necessity of relating local tribal custom, especially in matters involving marriage and family affairs, to the legal principles and procedure of the Ngoni courts. Many cases came before the courts in